

U.S. Department of Justice



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Southern District of New York*

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December 13, 2023

BY ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2203
New York, NY 10007

Re: *Knight First Amendment Institute v. U.S. Dep't of Homeland Security et al.*,
No. 17 Civ. 7572 (ALC)

Dear Judge Carter:

I write respectfully on behalf of the United States Immigration and Customs Enforcement (“ICE”) in response to the Court’s order dated December 11, 2023, directing ICE to “file a clarification on Defendant ICE’s Vaughn Index production deadline[.]” Dkt. No. 223.

On October 16, 2023, the parties filed a joint status report and indicated, among other things, that the parties had agreed to the following deadlines: by December 15, 2023, the United States Department of State would provide a draft Vaughn index; by December 20, 2023, United States Department of Homeland Security would provide a draft Vaughn index; and by November 8, 2023, ICE would provide Plaintiff with *a date* by which ICE can complete draft Vaughn index. *See* Dkt. No. 220.

On December 1, 2023, the parties filed another joint status update. *See* Dkt. No. 222. In that status update, the parties: (1) recited the agreement regarding draft Vaughn indices previously outlined on October 16, 2023 – including the agreement that, by November 8, ICE would provide Plaintiff a date by which the agency could complete a draft Vaughn index; and (2) ICE reported that it had complied with that agreement and informed Plaintiff that the agency expects to complete a draft Vaughn index in January 2024. *See id.*

Therefore, to clarify: on October 16, 2023, the parties explained that, by November 8, ICE would provide Plaintiff with a date by which it could complete a draft Vaughn index. *See* Dkt. No. 220. On December 1, 2023, the parties explained that ICE had complied with that agreement and identified a date by which the agency could complete a draft Vaughn index, and that ICE expects to complete the draft Vaughn index in January 2024. *See* Dkt. No. 222.

I thank the Court for considering this matter and apologize to the Court for causing any confusion.

Respectfully,

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United States Attorney

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